



# City of Santa Barbara California

III.A.

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** January 25, 2018  
**AGENDA DATE:** February 1, 2018  
**PROJECT ADDRESS:** 1201 Del Oro Avenue (MST2016-00327)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470, extension 4531  
Beatriz Gularte, Senior Planner BEG  
Kelly Brodison, Assistant Planner KAB

### I. PROJECT DESCRIPTION

The project consists of the demolition of the existing 1,441 square-foot one-story, single-family residence and construction of a two-story, 2,119 square-foot residence with a 670 square-foot basement, and a 451 square-foot attached garage for two cars in tandem configuration. The proposed total of 2,570 square feet on the 6,098 square foot lot is 95% of the maximum floor-to-lot-area ratio allowance of 2,724 square feet (the proposed basement square footage is excluded from the FAR).

The property is zoned E-3/SD-3, Single Family and is located in the Appealable Jurisdiction of the Coastal Zone with a General Plan and Coastal Land Use designation of Residential five Dwelling Units per Acre.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. Two Modifications to allow the new house to be constructed within the 20 foot front setback from Del Oro Avenue and La Marina Drive (SBMC §28.15.060 and SBMC §28.92.110.A.2); and
- B. A Modification to allow portions of the required open yard area to have less than the required 20 foot minimum dimension (SBMC §28.15.060 and SBMC §28.92.110.A.2); and
- C. A Coastal Development Permit (CDP2016-00012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

**APPLICATION DEEMED COMPLETE:** November 29, 2017  
**DATE ACTION REQUIRED:** January 28, 2018 (Extension per PSA granted)

### III. RECOMMENDATION

Staff recommends that the Planning Commission approve the two front setback modifications and deny the requested open yard modification. If the Planning Commission denies the open yard modification, the project can be approved with a condition that it be revised to comply with the open yard requirement and return to the Single Family Design Board (SFDB) for continued



design review. With revisions to the proposed project and the approval of the recommended modifications as described in Section B, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and the Local Coastal Plan. In addition, the size and massing of the project would be consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve a revised project, which complies with the open yard requirement, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.



1201 Del Oro Avenue - Aerial Photograph

#### IV. SITE INFORMATION AND PROJECT STATISTICS

##### A. SITE INFORMATION

<b>Applicant:</b>	Tom Meaney, Architect		
<b>Property Owner:</b>	Abbe and Joe Hopkins		
<b>Site Information</b>			
<b>Parcel Number:</b>	045-214-010	<b>Lot Area:</b>	6,098 sq. ft.



<b>General Plan:</b> Low Density Residential (5 units per acre)	<b>Zoning:</b> E-3/SD-3 (Single Family Residential with Coastal Overlay)
<b>Local Coastal Plan:</b> Five units per acre	
<b>Existing Use:</b> Single Family Residential	<b>Topography:</b> 5% average slope
<b>Adjacent Land Uses</b>	
<b>Northwest</b> – Single story residential (across La Marina)	<b>Northeast</b> – Two-story residential (across Del Oro)
<b>Southeast</b> – Two-story residential	<b>Southwest</b> – Two-story residential

## B. PROJECT STATISTICS

	Existing	Proposed
<b>Living Area</b>	1,441 sf	2119 sf
<b>Garage</b>	N/A	451 sf
<b>Basement</b>	0 sf	670 sf (excluded from FAR)
<b>Floor Area Ratio</b>	1,441 sf = 53% of Maximum Allowed FAR	2,570 = 95% of Maximum Allowed FAR

## V. POLICY AND ZONING CONSISTENCY ANALYSIS

### A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
<b>Setbacks</b>			
-Front	20 feet	~16 feet (Del Oro)	No Change*
-Interior	6 feet	~12 feet (La Marina)	No Change*
-Rear	6 feet	5 feet	6 feet
		~40 feet	8 feet
<b>Building Height</b>	30 feet	One-story	23 feet
<b>Parking</b>	2 covered	1 uncovered	2 covered (tandem)
<b>Open Yard</b>	1,250 sf	>1,250 sf	486 sf*
<b>Lot Coverage</b>			
-Building	N/A	1,500 sf 24.6%	2,055 sf 33%
-Paving/Driveway	N/A	1,725 sf 28.3%	437 sf 7.2%
-Landscaping	N/A	2,873 sf 47.1%	3,606 sf 59.8%

\*Modifications requested

With the approval of the Modifications described below, the project would meet the requirements of the E-3, One-Family Residence Zone Ordinance.

### Parking

There is currently, no covered parking on site. In 2011, a building permit (BLD2011-00347) was issued in order to abate violations (#ENF2010-00553). The violation consisted of converting the existing one-car garage to habitable space without the required permit and removing required off-street parking.

A permit to legalize the unpermitted conversion of the 206 square foot garage to a den and laundry room was approved in 2012. The conversion was approved with the provision that the structure was not in the setbacks and that an uncovered space would be provided outside of the required setbacks.

The applicant is proposing a two-car tandem garage. Tandem garages have been supported in the past when existing structures on constrained lots are remaining and generally not when houses are completely demolished and rebuilt. Staff has some concerns with permitting a tandem garage as they do not function as well as a standard two-car garage. The tandem configuration is less convenient for drivers and requires vehicle maneuvering to take place on the street. However, the benefit of the tandem garage in this case would be that the existing driveway apron could remain and not have to be widened. If a typical apron leading to a standard two-car garage were proposed, it would result in the loss of a street tree and one on-street public parking space in an area where parking demand is high.

Tandem parking may be approved by the Public Works Direction with an Administrative Parking Design waiver per §SBMC 28.90.45.B. In the past staff has received input from the Planning Commission. In the past Staff has requested input from the Planning Commission. Therefore, staff is seeking the Planning Commission's input regarding the supportability of the tandem garage for this project.

## **B. MODIFICATIONS**

As stated in SBMC §28.92.110, modifications can be approved by the Planning Commission where the modifications can be found to be consistent with the purposes and intent of the Santa Barbara Municipal Code, and are necessary to i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement on a lot, or (iv) the modification is necessary to construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures as defined in subsection (A) of SBMC 28.43.020.

### **a. Front Setback Modifications**

The subject property is on a corner lot with two street frontages along Del Oro Avenue and La Marina Drive. The existing residence is legally non-conforming to both of the required 20' front yard setbacks (SBMC Chapter 28.15), with the structure set back 16 feet (encroaching 4 feet) along Del Oro Avenue and set back 12-17'-4" feet (encroaching between ~3 and 8 feet) along La Marina.

The proposal is to demolish the existing non-nonconforming one-story residence and construct a new two-story residence. Modifications are required per SBMC §28.87.030 because the house is going from a one-story structure to a two-story structure and is



changing the basic exterior characteristics and appearance of the structure. The second story will comply with the required 20 foot setbacks, however the applicant is requesting two modifications to rebuild the legal non-conforming portions within both front setbacks consistent with the existing pattern of development of the existing and surrounding homes. Many of the neighborhood homes were built in the 1950s with a 15 foot required front setback at the time, so that many of the properties are nonconforming to the 20 foot required setback.

The 6,098 square foot lot is smaller than the minimum required lots size of 7,500 square feet and is further constrained with two front yard setbacks. The new structure will be built in the same footprint as the existing structure so that the new structure would not encroach any further than it currently does and will be consistent with many of the surrounding properties.

In 2012 the Planning Commission approved a front setback modification for the adjacent property at 1202 Shoreline Drive. The project was to replace an existing non-conforming building that encroached between 4' and 9.5' into the front setback along La Marina. Similar to this current project, that proposal requested to keep the existing non-conforming setback on the first floor with the new second story complying with the 20' front setback. For that project, the Planning Commission made the finding that there was a beneficial change from the existing, legally nonconforming encroachment into the front setback on a small corner lot, in that the roof pitch had been re-oriented to reduce the height within the setback, and that the addition was appropriate in that it allowed for a reasonable expansion of the small residence on an undersized lot with two 20' front setbacks.

Staff believes that the Planning Commission could find that these modifications can be supported and are necessary to secure an appropriate improvement on the lot and are consistent with the purposes and intent of the ordinance.

b. Open Yard Modification

All lots zoned for single family residential use are required to provide at least 1,250 square feet of unobstructed open space with minimum dimensions of 20' x 20', not to be located in the front yard setback (SBMC §28.15.060). For lots with multiple front yards, as is the case with this project, there is an exception that allows an open yard to include area in a secondary front yard as long as the open yard observes a 10 foot setback from the front lot line. The existing house on the site exceeds the 1,250 square foot requirement. Due to the proposed increase in floor area of the residence and site layout, the proposed project does not comply with this requirement. Using the exception as described above the property will have 770 square feet (28' x 27.5') of open yard. It is understood that this is a constrained site with two front setbacks, however, Staff believes that the project as proposed, is too large for the small corner lot and that an alternative design can be proposed that would conform to the open yard requirement.

While staff supports rebuilding the new home within the two front yard setbacks that are consistent with the setbacks that existed when many of the homes in the area were developed, staff has difficulty supporting the requested open yard modification because there are conforming options, including reducing the size of the building. Bedroom #2

seems to exacerbate the lack of conformance. It appears that this portion of the building could be reduced to meet the 20' dimension required for the open yard, thereby eliminating the need for the third modification while resulting in a house that complies with the open yard requirement.

### **C. GENERAL PLAN CONSISTENCY**

The project site is located in the East Mesa neighborhood, as identified in the Land Use Element of the General Plan, and has a land use designation of Residential, five units per acre. This area is recognized as being primarily developed with small-lot, single-family residences with some multi-family developments in the vicinity of Oceano and Barranca Avenues. The project involves a demolition and reconstruction of an existing one-story residence. The new two-story home would remain consistent with the pattern of single-family residential development in the area which is a mixture of one and two-story homes. No change in residential density is proposed.

### **D. LOCAL COASTAL PLAN CONSISTENCY**

The project site is located within the Coastal Zone and must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project is in Component Two of the Local Coastal Plan (LCP), which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential and has very limited additional development potential. The major coastal issues identified for Component Two include seacliff retreat and flooding hazards, maintaining and providing public access along the bluffs, preventing overuse of public facilities; protection of recreational access; protection of archaeological resources and the maintenance of existing coastal views and open space. Please see Exhibit E for applicable LCP, Coastal Act, and General Plan Policies.

The project site is not located on the coastal bluff and is not located in archaeologically sensitive zones. Public views will not be affected because there are no public view corridors on the project side of Shoreline Drive. Therefore, the project is consistent with these applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

#### Neighborhood Compatibility

Policy 5.3 of the Local Coastal Plan states that new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods shall not be permitted. The proposal meets the parking requirement on site by providing a two-car garage in a tandem configuration. Although the applicant is requesting a waiver for a tandem garage, the benefit of the tandem garage in this case would be that the existing driveway apron could remain and not have to be widened which would preserve on street parking. If a typical apron leading to a standard two-car garage were proposed, it would result in the loss of a street tree and one on-street public parking space in an area where parking demand is high. Staff believes that the tandem garage would have the same impact on the street parking as many of the homes in the Mesa neighborhood that have one car garages. This new house will replace an existing house in a residential neighborhood with a mix of one- and two story homes and therefore can be found consistent with this policy of the LCP.



### Views

Policy 9.1 of the LCP states that existing views to and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. The proposed additions to the residence would not inhibit existing public views to, from or along the ocean or any scenic coastal areas. The surrounding is a mix of one and two-story residences. While the new second story has the potential to impact private views of the ocean from some of the nearby neighboring residences, second stories are not prohibited, the building is less than the maximum height requirement of 30' and the project will not block views from the ocean to the mountains or of the ocean from public viewing points. Therefore, this project can be found consistent with this Policy of the LCP.

## **VI. ENVIRONMENTAL REVIEW**

Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15302 (Replacement or Reconstruction). Section 15302 allows for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure be replaced and will have substantially the same purpose and capacity as the structure replaced.

## **VII. DESIGN REVIEW**

This project was reviewed by the SFDB on three separate occasions (meeting minutes are attached as Exhibit D). The project originally was reviewed on September 6, 2016. The proposal was for a 2,246 square foot, two-story residence including a 454 square foot, two-car, tandem garage and a 750 square foot basement (does not count in the FAR calculation). The Board stated that while they appreciated the architectural style and design of the proposed house they would like the applicant to study reducing the square footage and the first floor plate height. They also commented that the three requested modifications are aesthetically appropriate stating that they do not pose consistency issues under the Single Family Residence Design Guidelines.

When the project returned on January 23, 2017, it was reduced in height by 20" and reduced by 130 square feet. The proposal was for a 2,119 square foot, two-story residence with a 451 square foot, two-car, tandem garage and a 670 square foot basement. The 2,570 structure would be 95% of the maximum FAR of 2,724 square feet. The FAR may exceed 85% because the average slope of the lot is less than 30%, the building is less than twenty-five feet in height and it is not located within the Hillside Design District.

The Board stated that the proposed size and bulk of the house is unacceptable in terms of how it relates to the surrounding neighborhood, however they repeated that the two setback modifications and open yard modification are aesthetically appropriate as they do not pose consistency issues with the Single Family Design Guidelines.

On May 15, 2017, the project returned to the Board for a third conceptual review with no reduction to the size, bulk, or FAR. City staff requested that the Board focus on making the findings for size, bulk, and scale, and that any requested reduction in the maximum allowed floor-to-lot area ration (FAR) should include reference to these specific findings of size, bulk, and scale.

The Board reviewed the project and found the proposed size, bulk, scale, quality materials and the FAR to be acceptable and compatible with the neighborhood.

## **VIII. FINDINGS**

Staff recommends that the Planning Commission makes the following findings:

### **A. OPEN YARD MODIFICATION**

The Planning Commission finds that the Open Yard modification is not consistent with the purposes and intent of the Zoning Ordinance and is not appropriate on the lot and would not promote uniformity with the surrounding neighborhood.

### **B. TWO FRONT SETBACK MODIFICATIONS**

The front setback encroachment requests to allow the new building to have a 16' front setback on Del Oro and a 12' – 17'-4 front setback on La Marina, instead of the minimum required 20' are necessary to secure an appropriate improvement and can be supported because they will not encroach into the setback further than the existing structure. The first floor of the new building would encroach between 2'-6" on the northern corner of the house to 8' on the eastern corner of the house as shown on the plans approved by the Planning Commission on (date to be determined). Planning Commission finds that the new building will be consistent with the existing pattern of development of the surrounding neighborhood.

### **C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including views and public access, as described in Section V.D of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the additions are compatible with the existing neighborhood, are not visible from the beach, will not impact views from public view corridors, will not impact public access, will not contribute to safety or drainage hazards on the site, is not in an archaeological sensitivity zone and will not disturb the coastal bluff or, as described in Section V.D of the Staff Report.

#### **Exhibits:**

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated October 23, 2017
- D. SFDB Minutes
- E. Applicable LCP, Coastal Act and General Plan Policies



## PLANNING COMMISSION CONDITIONS OF APPROVAL

1201 DEL ORO AVENUE  
COASTAL DEVELOPMENT PERMIT, FRONT SETBACK MODIFICATIONS  
AND OPEN YARD MODIFICATION  
FEBRUARY 1, 2018

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 1, 2018 is limited to a 2,119 square foot two story residence with 451 square- foot, two-car, tandem garage and a 670 square foot basement and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view

as approved by the Historic Landmarks Commission (HLC) / Single Family Design Board (SFDB).

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
  5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
    - a. Clearance of the Building Permit by Public Works Department for the new construction is contingent upon confirmation that the basement wall design



does not collect and cause a discharge of groundwater by conduit or any other method to the City's wastewater collection system or City's storm drain system (including the street), or to percolate in the ground at the City's public right of way.

- b. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
- d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 treatment, rate and volume. The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall

have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC's)) name, contractor(s) (and PEC's) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:



New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
4. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
5. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

G. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

#### **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

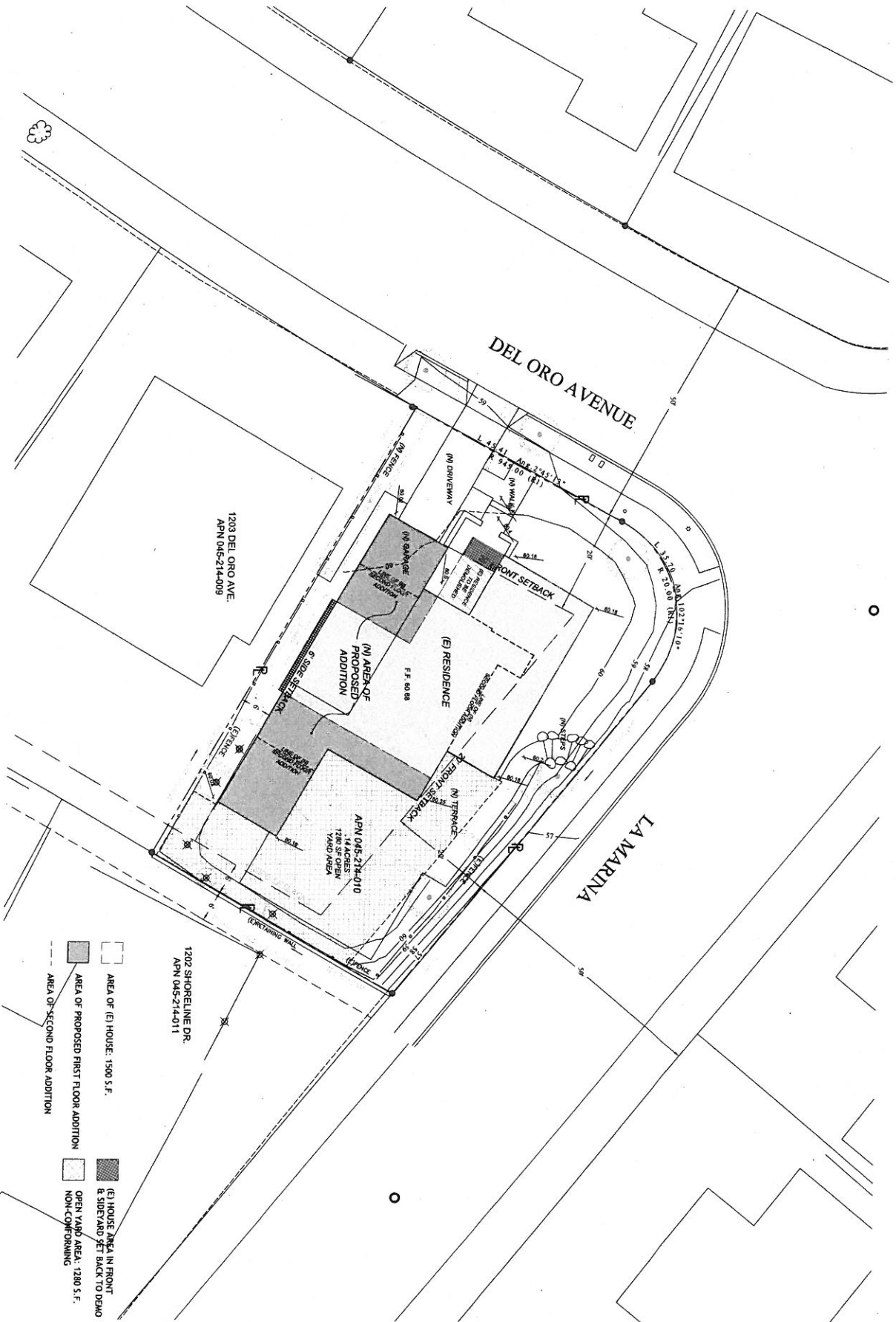
- 1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
- 2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
- 3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon



the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



SITE PLAN

SCALE: 1" = 10'



A1.1

2017-11-05

ARCHITECTURAL  
SITE PLAN

HOPKINS RESIDENCE  
1201 DEL ORO AVENUE  
SANTA BARBARA, CALIFORNIA 93109

TOM MEANEY ARCHITECT

629 STATE STREET SUITE 240 SANTA BARBARA CA 93101 TEL 805.968.7668 (B) 831.624.4278 (CARMEL)  
WWW.TOMMEANEY.COM

EXHIBIT B





## TOM MEANEY | ARCHITECT

October 23, 2017

Santa Barbara Planning Commission  
735 Anacapa St.  
Santa Barbara, CA 93101

RECEIVED  
NOV 13 2017

CITY OF SANTA BARBARA  
PLANNING DIVISION

To the Planning Commission

Please consider this request for approval for the project designed at 1201 De Oro Avenue.

Proposed Project Summary

The proposed project consists of the demolition of an existing 1,500 SF residence without a garage and the construction of a 2,118 SF residence with a new 2-car garage of 452 SF, totaling 2,570 SF. The project also includes a wood deck and a partial basement. The proposed FAR is 94.2% of the City allowable floor area. Most of the houses in the neighborhood do not meet the current City Standards for front and side setbacks.

While we are increasing the side setback with the new home to meet City Standards, we would like a modification to maintain the front setbacks which are common to the neighborhood and the existing home.

FAR Analysis

The home is 94.2% of the City's allowable floor area guidelines. In the neighborhood analysis, we are 6<sup>th</sup> largest in the survey of 20 closest homes. This is a neighborhood with a mix of original homes and those with expanded floor areas. The original homes were around 800-1,400 SF. The homes that have expanded are between 1,900-3,400 SF. Comparing our floor area to the expanded homes, we are 6<sup>th</sup> largest FAR out of 10 homes.

Open Yard Modification

We are providing 1,280 SF open yard, more than the required 1,250 SF per City Standards. Because the lot narrows to the rear of the property and the rear is further pinched by a second front setback, we do not provide the minimum 20' dimensions. The current plan has a minimum division of 14.5'. The adjacent house at 1202 Shoreline is also a corner lot and was recently expanded. It has an open yard of approximately 665 SF, well below the requirement.

Setbacks

It appears this neighborhood was built prior to the creation of the current City setback requirements.

Our surveyor shows that other homes appearing in our survey do not meet the current City Standards, like the current house on our lot. The current home has front setbacks of 16' and 12' and a side setback of 5'.

We proposed to expand the side setback to 6' per City Standards and maintain the current footprint and front setbacks on the lower floor. The new second story will meet the City 20' front setbacks as well as does any new floor area on the lower floor.

#### New Garage with Tandem Parking Configuration

Currently there is no garage on the lot and only limited uncovered parking. The proximity to the beach and Shoreline Park creates a heavy demand for on-street parking in the area. So, while providing a 2-car garage is our goal, it cannot be accommodated on the site in a traditional side-by-side configuration. A standard 20'x20' 2-car garage, on this narrow corner lot with two setbacks, would extend nearly 60% of our buildable area in the front. Therefore, we are requesting that the city allows us to construct a 2-car garage designed for tandem parking. The garage frontage will measure only 13' wide rather than the traditional 21' or more. Removing cars from this busy street is our goal and, a tandem parking configuration will work well.

#### SFDB Review

We had several meetings with the SFDB. During that process, we reduced the floor area and building height. They liked the house design and building massing. They supported the front setback modification as it is typical in the neighborhood and allows the first floor roof forms to soften the stepped back second story.

They supported the tandem parking as a 2-car garage door would dominate the front elevation because of the narrow lot and two front setbacks. The SFDB supported the open yard modification as well.

Jaime Limon spoke at a meeting stating that an FAR of 94.3% is within the allowable City Standards. The SFDB voted 4-1 in support of the project.

#### Existing Use

The existing one story single family residence with one-car garage was built in 1951 in a non-descript cottage style. There are no other structures on the lot. The garage was converted to habitable space with a permit in 1958 with requirement for 1 uncovered space outside of setbacks.

#### Proposed Square Footage

2,570 square feet. 1,526 first floor (26 SF over existing), 720 square foot second floor addition, 454 SF attached garage, 720 SF basement, 246 SF uncovered terraces on second floor.

#### Proposed F.A.R.: 44.3% (94.2% of Allowable)

The proposed design will produce the 6<sup>th</sup> largest FAR of the 20 closest houses. Therefore, this is still a modest house on a small corner lot. And, since little vegetation or trees will be removed, the project will not pose any significant visual impacts.

1. Number of residential units – to remain at one.
2. Residential density dwelling units per acre – not applicable.

3. Average unit size – not applicable.
4. Demolition.

Project includes the demolition of the existing house.

5. Lot size: 6,098.
6. Tree and vegetation removal.

Most of the dense screening along Del Oro and La Marina result from the three large trees flanking both streets and the corner of the lot. These trees to remain include a Brazilian Pepper (*Schinus terebinth hifolius*). Southern Magnolia (*Magnolia grandiflora*), and a large Beach Tamarind (*Cupaniopsis anacardioides*). These trees have dense, low canopies making it nearly impossible to see through the lot to the house or ocean beyond. Additional screening at the outside corner of the house will be provided via several larger palms including some transplanted King Palms. The existing 6' tall wood fence between the subject parcel and both immediate neighbors will remain, as will the tall bamboo plants, and large acacia, ficus and pittosporum trees.

7. Drainage and Site Characteristics.

The lot is nearly flat with a gentle 2% slope towards both flanking streets. Tier 3 storm water requirements will be met with a combination of best management practices per the Santa Barbara Storm Water BMP Guidance Manual, and a landscape plan designed to capture, retain and use as much rainwater as possible. Site runoff shall be treated by lined bio-filtration basin. Design for the bio-filtration basin is based on sizing criteria provided in Appendix D in the City of Santa Barbara Storm Water BMP Guidance Manual. The analysis was conducted by calculating the total basin area necessary to treat runoff for the treated area. Pervious and impervious surface areas are calculated based on soils hydrology and incorporated into Hydrological Analysis in accompanying documentation.

8. Parking and Landscaping Statistics.

The new attached 2-car garage in tandem configuration will accommodate the family. This retired family carools to most locations and will use one car. Ample bike storage is provided in the garage as well.

#### Landscape.

See attached landscape plan from Eric Carroll, landscape architect. A restrained, water wise landscape plan has been design. As described earlier, all of the existing mature trees screening the property will remain. Other than some transplanted King Palms, there are few new trees added to the site. The small existing, heavily shaded lawn area at the corner will be removed and planted with shade and drought tolerant plantings such as Grass Palm, Mat Rush and Stonecrop. Along the sidewalk at La Marina, colorful coastal appropriate shrubs and succulents will be planted. Including Hens and Chicks, Sea Thrift, Agave, Coast Sunflower and Carpinteria Gem Aloe. Paths will be simple decomposed granite on soil as well as some ashlar stone paving with 3/4" to 1" permeable gravel joints.



9. Proposed Grading.  
There is very little grading required. Most excavated soil to remain onsite while that removed for the basement excavation will be exported. As with the current house, the proposed addition area will be slab on grade with a partial basement. There will be no work done near the existing retaining wall at the east property line.
10. Adjacent Land Use.  
All lots in this neighborhood are single family residences. Single family residences surrounding the house on all sides except at the two flanking streets, Del Oro and La Marina.
11. Lighting, Noises, Constraints, etc.  
Exterior Lighting: The house will have shaded 120V exterior lights at all exterior doors as well as path lights for safety between the garage and house. Additional low voltage, low wattage landscape lights will be used to highlight walkways. No up lighting of trees or flood lights will be used.  
Smoke or Odors: No exterior burning of wood or other materials will occur. A gas appliance type fire feature may be added to the landscape at a later date but is not part of this proposal.  
Noise: There will be no additional source of noise.

#### Geotechnical Studies

A geotechnical investigation has been completed. Please see accompanying documentation. The results are incorporated into a storm water management plan as required.

Constraint Studies: It does not appear that there are any historical resources on the site. A biological assessment does not seem necessary but will be undertaken if deemed necessary for approval. There are no seasonal streams, protected vegetation or animals and the proposed use will be the same.

Streams or Watercourses: There are no creeks or water courses on or adjacent to the property.

Recreational Trails: There are no recreational trails on or adjacent to the property. The Douglas Preserve is about 5 blocks to the west.

Sewer Service: The house is connected to the City's public sewer system.

Water Service: The house is connected to the City's public water system.

12. Construction Activities:  
Normal residential demolition and construction activity will occur on the site during regulated work hours. No heavy equipment beyond medium duty tractors and excavation will be used.

Estimated Duration, Workers and Equipment:

Demolition Phase: 3 weeks, 10 workers, dump truck, front loader, water truck

Grading Phase: 1 week, crawler dozer, cat skid steer, 14-ton excavator  
Construction Phase: 9 - 12 months, 20 workers at maximum, flatbed delivery trucks, cement trucks, gravel trucks, front loaders

**Staging Areas:**

The staging area for equipment and construction materials will mainly be as shown on attached 'Construction Staging Plan'. In general, this project will have a modest impact on the site, the neighborhood and the environment.

We appreciate your consideration of this project in light of the considerable effort that has been invested in its careful design, engagement of top professionals and positive review by the neighbors and the Single-Family Design Board.

Thank you,

Sincerely,

Tom Meaney, Architect and Applicant

**Attachments:**

- Cover sheet
- DART submittal checklist
- Master application
- Owner agent authorization
- Letter from the applicant (DART format)
- Letter from the home owner
- Copy of Coastal Development Permit
- Public notice affidavit, mailing labels and notification map
- 20 Closest Lots table
- Construction staging plan
- DART Hazardous Waste Form
- DART SWMP Requirements Form (from Erin Carroll)
- Site survey
- Proposed architectural plans (as reviewed by the single family review board)
- Proposed site plan
- Proposed floor plans
- Proposed elevations
- Photographs of existing house, neighborhood
- Copy of title report





**SFDB Minutes**  
**1201 Del Oro Avenue**

**September 6, 2016**

Public comment: An email of various concerns from Theresa Dolotta was acknowledged.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board appreciates the proposed architectural style and design of the proposed project.
- 2) Applicant to reduce the proposed 99% of the maximum required floor-to-lot-area ratio (FAR) to a preferred 85% FAR.
- 3) Generally reduce the first floor plate height.
- 4) The Board understands that the tandem parking issue will be addressed once the proposed 99% of the maximum required floor-to-lot-area ratio (FAR) has been reduced to an 85% FAR.
- 5) The Board supports the proposed Coastal Development Permit (CDP), the two front setback modifications and open yard modification, and finds them aesthetically appropriate as they do not pose consistency issues with the Single Family Residence Design Guidelines.

Action: Miller/Moticha, 6/0/0. Motion carried.

**January 23, 2017**

Public comment opened at 5:02 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to the Full Board with comments:

1. The Board finds unacceptable the proposed size and bulk of the house in terms in how the house relates to the rest of the neighborhood.
2. Further reduce the proposed 99% of the maximum required floor-to-lot area ratio (FAR) to 85% FAR for neighborhood compatibility with the area.
3. The Board finds the proposed zoning modifications findings to allow a Coastal Development Permit, two setback modifications, and an open yard modification are aesthetically appropriate and do not pose consistency issues with the Single Family Design Guidelines.

Action: Miller/Woolery, 5/1/0. Motion carried. (Moticha opposed.)

**May 15, 2017**

Staff comments: Mr. Limón requested that the Board focus on making the findings for size, bulk, and scale, and that any requested reduction in the maximum required floor-to-lot area ratio (FAR) should include reference to these specific findings of size, bulk, and scale. He clarified

that the proposed 6,098 square foot lot is an acceptable sized square foot lot and well within the target range of acceptable FAR, which can be as large as 8,500 square feet.

Public comment opened at 4:40 p.m., and as no one wished to speak, it closed.

Motion: Continued indefinitely to the Staff Hearing Officer for return to the Full Board with comments:

1. The Board found the proposed size, bulk, scale, quality materials, and 94.3% the maximum required floor-to-lot area ratio (FAR) of the project are acceptable and consistent with neighborhood compatibility.
2. The Board found the proposed setback modifications are aesthetically appropriate and do not pose consistency issues with the Single Family Design Guidelines.
3. The Board found the one-story addition built within the current setback is supportable.
4. The Board found the configuration of the open yard acceptable.

Action: Miller/Moticha, 4/1/0. (Bernstein opposed. Champendal absent.) Motion carried.

## **1201 Del Oro**

### **Local Coastal Plan (LCP), Coastal Act Policies**

#### **Housing**

**LCP Policy 5.1** Rehabilitation of existing housing for all economic segments of the community shall be encouraged.

**LCP Policy 5.3** New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

#### **Visual Quality**

**LCP Policy 9.1** The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

- (1) Acquisition of land for parks and open space;
- (2) Requiring view easements or corridors in new developments;
- (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;
- (4) Developing a system to evaluate view impairment of new development in the review process.

**LCP Policy 9.3** All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

